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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,345	06/25/2003	Jeffrey E. Steffens	SUPBAG 3.0-001	2608

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EXAMINER

PASCUA, JES F

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,345

Applicant(s)

STEFFENS, JEFFREY E.

Examiner

Jes F. Pascua

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 13, the recitation "a layer of ink overlies over" is confusing.

Clarification of the claim is requested.

Claims that have not been specifically mentioned are rejected since they depend from claims rejected under 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,683,774 to Faykish et al.

Faykish et al. discloses tamper-indicating laminate comprising a flexible strip ("protective layer" 10) having first and second sides, a layer of release material

disposed in a repetitive pattern ("low adhesion coating" 12) on a first side of the strip, layer of ink in overlying relationship with the repetitive pattern of release material ("emblem layer" 14) and a layer of adhesive ("pressure sensitive adhesive" 16). The repetitive pattern of emblem layer 14 meets the recitation "said ink layer including a plurality of spaces devoid of ink" and the repetitive pattern of low adhesion coating 12 meets the recitation "a layer of release material...define first regions in which said release material is present and second regions in which said release material is not present". As shown in Fig. 1, the areas that are devoid of emblem layer 14 are out of registry with the low adhesion coating 12, thus meeting the recitation "said ink layer including a plurality of spaces devoid of ink arranged in a selected pattern which is out of registry with said predetermined pattern of said release material".

As seen Fig. 2 of Faykish et al., the emblem layer has greater adhesion to the adhesive in regions of the emblem layer that overlie the low adhesion coating. Furthermore, the emblem layer has lower adhesion to the adhesive in regions of the emblem layer that do not overlie the low adhesion coating.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faykish et al. and U.S. Patent No. 5,631,068 to Smith.

Faykish et al. discloses the claimed device, as discussed above, except for the tamper-indicating laminate sealing a bag. Smith discloses that it is known in the art to provide an analogous tamper-indicating laminate on a bag. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tamper-indicating laminate of Faykish et al. on a bag as in Smith for the purpose of sealing the bag and providing visual indication of surreptitious opening.

Regarding claims 5 and 12, Faykish et al. and Smith discloses the claimed invention except for the bag having a preprinted graphic of the first visual appearance of the tamper-indicator. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a preprinted graphic of the first visual appearance of the tamper-indicator the bag since it was known in the art that a preprinted graphic of the first visual appearance of the tamper-indicator provides the user with a visual cue of how the tamper-indicator should appear before separation.

Response to Arguments

7. Applicant's arguments filed 03/13/2006 have been fully considered but they are not persuasive. Regarding applicant's remark that "nowhere does Faykish teach that the release material pattern and the pattern of spaces devoid of ink are out of registry with one another", the Examiner maintains that Fig. 1 Faykish et al. shows the areas that are devoid of emblem layer 14 are out of registry with the low adhesion coating 12.

Applicant suggests that Fig. 1 of Faykish et al. shows the spacing between the deposits of release material is the same as the spacing between the deposits of ink. Applicant is mistaken. If what applicant suggests were true, then deposits of the emblem layer 14 wouldn't be trapped beneath the adhesive 16 when the protective layer 10 is separated from the article or document 18 as shown in Fig. 2.

Applicant's remarks regarding claims 2-6, 9-13 and 16-19 have been considered, but are not persuasive in light the Examiner comments above.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing

out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jes F. Pascua whose telephone number is 571-272-4546. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jes F. Pascua
Primary Examiner
Art Unit 3727

JFP